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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA

14 United States of America,

CR-15-00924-1-PHX-GMS (DKD)

15 Plaintiff,

16 v.

17 Parris Frazier,

18 Defendant.
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20 **UNITED STATES' RESPONSE TO
21 DEFENDANT'S SENTENCING
22 MEMORANDUM**

23 The United States, through undersigned counsel, respectfully requests that the
24 Court impose a sentence consistent with the plea agreement in this case. The United States
25 agrees with the facts stated in the Presentence Investigation Report and with its
26 recommendation that defendant Parris Frazier be sentenced to eight years' incarceration.
27 (PSR at 18-19.)
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I. Background

a. Frazier's Statements to the UCA were More than Social Puffery.

As indicated in the PSR, defendant Frazier "advocated extremist domestic terrorism ideologies" by posting extensively on Facebook. PSR ¶ 6. In his sentencing memorandum, Frazier excuses his actions as social puffery but they were more than that as Frazier took action on many occasions.

On April 12, 2014, in Bunkerville, Nevada an armed mob of approximately 400 people confronted federal agents from the Bureau of Land Management (BLM). The BLM was there to retrieve cattle from the Bundy Ranch pursuant to a court order. According to his Facebook postings, Frazier left Arizona and went to the Bundy Ranch after April 12,

1 2014. On April 28, 2014, Frazier posted the following statement on Facebook recruiting
 2 others to join the Bundy's cause: "The fight at the Bundy's ranch is not over yet please
 3 send people. ." He also posted a photograph showing that he was armed while at the Bundy
 4 Ranch.

5 On September 26, 2014, Frazier posted on Facebook: "Muslims are cowards and
 6 scumbags and they all need to die. There is no such thing as a good muslim, ONLY GOOD
 7 MUSLIM IS A DEAD ONE!!! America needs to wake THE FUCK UP NOW!!!! Need
 8 to start BEHEADING MUSLIMS! !!!! There Nothing BUT trash and they need to all
 9 fucking die." These statements demonstrated his violent intentions towards the Muslim
 10 community and were followed with action. On May 17 and 29, 2015, defendant Frazier
 11 provided security at the protests towards the Islamic Cultural Center of Phoenix (ICCP)
 12 organized by Jon Ritzheimer which promoted anti-Islamic sentiment in the Phoenix area.
 13 At the May 29, 2015, rally, Frazier and his co-defendants Foster and Deatherage
 14 surrounded Ritzheimer and wore full camouflage and body armor while armed with assault
 15 rifles. Frazier was a member of the militia "Arizona Special Operations Group" led by his
 16 co-defendant Deatherage.



24 Frazier and his girlfriend had many conversations over Facebook in which they
 25 discuss whom they hate and the type of people that should die. Frazier specifically states
 26 killing three groups of people: Liberals, Muslims and Mexicans. On April 2, 2015,
 27 defendant went to the desert with Randon Berg to steal what they believed was drug
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1 proceeds from Mexican cartels. Both men were dressed in camouflage clothing with face
2 masks, tactical vests, and had AR-15 style assault rifles with optical sights.” PSR ¶ 12.
3 On April 23, 2015, both men returned to the desert to steal money from another load vehicle
4 which they believed belonged to the Mexican drug cartel. PSR ¶ 16.

5 A review of Frazier’s Facebook postings between May 2012 and December 2014,
6 reveal dozens of disturbing postings depicting anti-social violent behavior: On October
7 14, 2014, Frazier posted: “How many people would pay to see hillary [sic] have her face
8 peeled off of her head with a straight razor.” On December 4, 2014, Frazier posted:
9 “Barack needs to die a violent painful slow death for the world to watch. Where has this
10 country gone??? I’m a veteran and I’m infuriated with all these political scumbags doing
11 this and doing that. And non [sic] of its legal. WTF.”

12 Frazier posts many photographs of himself and his militia acquaintances in full
13 camouflage gear armed with assault rifles. This is consistent with the behavior defendant
14 demonstrated during his interactions with the undercover agent. In March 2015, when
15 Frazier met the UCA for the first time, Frazier indicated he wanted to steal illegal drug
16 proceeds and was willing to kill people. PSR ¶ 9. In April 2015, after failing to find drug
17 money hidden in a vehicle in the desert, Frazier again offered to kill the UCA’s cousin.
18 PSR ¶ 13. These are just a few of the dozens of hateful statements made by Frazier on
19 Facebook. These statements indicated his intent and his subsequent actions demonstrated
20 that Frazier’s statements are more than just social puffery.

21 **b. Frazier and his Co-Defendants were Heavily Armed.**

22 Despite his claim to the contrary, Frazier and his co-defendants were heavily armed
23 on July 22, 2015. In the vehicle, each of the three men were armed with a pistol and a long
24 gun. Although the defendants threw the duffle containing the cocaine, out the window of
25 the car when being pursued by police, they kept their firearms. After the chase, these
26 firearms were removed from the car by the defendants and were found in Frazier’s
27 girlfriend’s house. The same girlfriend referenced previously with whom Frazier had
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1 Facebook conversations. There were 14 firearms located at the house, two of which
2 belonged to the girlfriend (items 9 and 19 listed on pages 6-7 of Frazier's plea agreement).
3 The co-defendants owned two firearms each and the remaining eight are attributable to
4 defendant Frazier.

5 **c. Arrests from 1983 and 1985.**

6 The United States has no additional information regarding Frazier's 1985 and 1985
7 arrests detailed in PSR ¶¶ 40-42 and defers to probation. It should be noted that no criminal
8 history points were imposed for these arrests.

9 **II. Sentencing Recommendation**

10 This court must consider the factors set out in 18 U.S.C. Section 3553(a) and the
11 aforementioned paragraphs provide some details not included in the PSR for the court to
12 consider. While defendant Frazier has no criminal history, his extremist Facebook postings
13 advocating domestic terrorism and his multiple statements to the undercover agent
14 regarding his willingness commit a murder for hire are very disconcerting and demonstrate
15 that he is a danger to the community. A sentence of eight years (96 months) is adequate to
16 reflect the seriousness of the offense, to offer specific and general deterrence, and to protect
17 the public from further crimes of the defendant.

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19 Respectfully submitted this 14th day of July, 2016.

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LISA E. JENNIS
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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: James Paul Buesing, *Attorney for Defendant* and Ernesto Hernandez, Senior U.S. Probation Officer

By: S/Lisa E. Jennis